

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RANDY SINGLETON,

Plaintiff,

-against-

CITY OF NEW YORK; and JOHN and JANE DOE 1  
through 10, individually and in their official capacities  
(the names John and Jane Doe being fictitious, as the true  
names are presently unknown),

Defendants.

-----X

**ANSWER TO THE  
COMPLAINT BY  
DEFENDANTS CITY OF NEW  
YORK**

15 Civ. 1011 (ALC)

Jury Trial Demanded

Defendant City of New York by its attorney Zachary W. Carter, Corporation  
Counsel of the City of New York, for its Answer to the Complaint, respectfully alleges, upon  
information and belief, as follows:

1. Denies the allegations set forth in paragraph “1” of the Complaint, except  
admit that plaintiff purports to proceed as stated therein.

2. Denies the allegations set forth in paragraph “2” of the Complaint, except  
admit that plaintiff purports to invoke the Court’s jurisdiction as stated therein.

3. Denies the allegations set forth in paragraph “3” of the Complaint, except  
admit that plaintiff purports to invoke the Court’s jurisdiction as stated therein.

4. Denies the allegations set forth in paragraph “4” of the Complaint, except  
admit that plaintiff purports to lay venue as stated therein.

5. Paragraph “5” of the Complaint is a demand for a jury trial to which no  
response is required.

6. Denies knowledge and information sufficient to form a belief as to the  
allegations set forth in paragraph “6” of the Complaint.

7. Denies the allegations set forth in paragraph “7” of the Complaint, except admit that the City of New York is a municipal corporation duly organized under the laws of the State of New York.

8. Denies the allegations set forth in paragraph “8” of the Complaint, except admit that the City of New York is a municipal corporation duly organized under the laws of the State of New York and respectfully refer the Court to the New York City Charter and the Administrative Code for a recitation of the relationship between defendant City, the New York City Police Department (“NYPD”) and its employees.

9. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “9” of the Complaint.

10. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “10” of the Complaint.

11. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “11” of the Complaint.

12. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “12” of the Complaint.

13. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “13” of the Complaint.

14. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “14” of the Complaint.

15. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “15” of the Complaint.

16. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “16” of the Complaint.

17. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “17” of the Complaint.

18. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “18” of the Complaint.

19. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “19” of the Complaint.

20. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “20” of the Complaint.

21. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “21” of the Complaint.

22. Denies knowledge and information sufficient to form a belief as to the allegations set forth in paragraph “22” of the Complaint.

23. In response to the allegations set forth in paragraph “23” of the Complaint, defendants repeat and reallege the responses set forth in the preceding paragraphs of the Answer to the Complaint, as if fully set forth herein.

24. Denies the allegations set forth in paragraph “24” of the Complaint.

25. Denies the allegations set forth in paragraph “25” of the Complaint.

26. In response to the allegations set forth in paragraph “26” of the Complaint, defendants repeat and reallege the responses set forth in the preceding paragraphs of the Answer to the Complaint, as if fully set forth herein.

27. Denies the allegations set forth in paragraph “27” of the Complaint.

28. Denies the allegations set forth in paragraph “28” of the Complaint.

29. In response to the allegations set forth in paragraph “29” of the Complaint, defendants repeat and reallege the responses set forth in the preceding paragraphs of the Answer to the Complaint, as if fully set forth herein.

30. Denies the allegations set forth in paragraph “30” of the Complaint.

31. Denies the allegations set forth in paragraph “31” of the Complaint.

32. In response to the allegations set forth in paragraph “32” of the Complaint, defendants repeat and reallege the responses set forth in the preceding paragraphs of the Answer to the Complaint, as if fully set forth herein.

33. Denies the allegations set forth in paragraph “33” of the Complaint.

34. Denies the allegations set forth in paragraph “34” of the Complaint.

35. Denies the allegations set forth in paragraph “35” of the Complaint.

36. In response to the allegations set forth in paragraph “36” of the Complaint, defendants repeat and reallege the responses set forth in the preceding paragraphs of the Answer to the Complaint, as if fully set forth herein.

37. Denies the allegations set forth in paragraph “37” of the Complaint.

38. Denies the allegations set forth in paragraph “38” of the Complaint.

39. Denies the allegations set forth in paragraph “39” of the Complaint.

40. In response to the allegations set forth in paragraph “40” of the Complaint, defendants repeat and reallege the responses set forth in the preceding paragraphs of the Answer to the Complaint, as if fully set forth herein.

41. Denies the allegations set forth in paragraph “41” of the Complaint.

42. Denies the allegations set forth in paragraph “42” of the Complaint.

43. Denies the allegations set forth in paragraph “43” of the Complaint.

44. Denies the allegations set forth in paragraph “44” of the Complaint.

45. In response to the allegations set forth in paragraph “45” of the Complaint, defendants repeat and reallege the responses set forth in the preceding paragraphs of the Answer to the Complaint, as if fully set forth herein.

46. Denies the allegations set forth in paragraph “46” of the Complaint.

47. In response to the allegations set forth in paragraph “47” of the Complaint, defendants repeat and reallege the responses set forth in the preceding paragraphs of the Answer to the Complaint, as if fully set forth herein.

48. Denies the allegations set forth in paragraph “48” of the Complaint.

49. Denies the allegations set forth in paragraph “49” of the Complaint.

50. In response to the allegations set forth in paragraph “50” of the Complaint, defendants repeat and reallege the responses set forth in the preceding paragraphs of the Answer to the Complaint, as if fully set forth herein.

51. Denies the allegations set forth in paragraph “51” of the Complaint and all of its subsections and respectfully refer the Court to the cases cited therein.

52. Denies the allegations set forth in paragraph “52” of the Complaint and all of its subsections and respectfully refer the Court to the cases cited therein.

53. Denies the allegations set forth in paragraph “53” of the Complaint and all of its subsections and respectfully refer the Court to the cases cited therein.

54. Denies the allegations set forth in paragraph “54” of the Complaint and all of its subsections and respectfully refer the Court to the cases cited therein.

55. Denies the allegations set forth in paragraph “55” of the Complaint and all of its subsections and respectfully refer the Court to the reports, articles, and cases cited therein.

56. Denies the allegations set forth in paragraph “56” of the Complaint and all of its subsections and respectfully refer the Court to the reports and articles cited therein.

57. Denies the allegations set forth in paragraph “57” of the Complaint and all of its subsections and respectfully refer the Court to the reports, articles, and cases cited therein.

58. Denies the allegations set forth in paragraph “58” of the Complaint.

59. Denies the allegations set forth in paragraph “59” of the Complaint.

60. Denies the allegations set forth in paragraph “60” of the Complaint.

61. Denies the allegations set forth in paragraph “61” of the Complaint.

62. Denies the allegations set forth in paragraph “62” of the Complaint.

63. Denies the allegations set forth in paragraph “63” of the Complaint.

64. Denies the allegations set forth in paragraph “64” of the Complaint.

65. Denies the allegations set forth in paragraph “65” of the Complaint.

66. Denies the allegations set forth in paragraph “66” of the Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE:**

67. The Complaint fails to state a claim upon which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE:**

68. Any injury alleged to have been sustained resulted from plaintiff’s own culpable or negligent conduct and/or the intervening conduct of third parties and was not the proximate result of any act of the defendants.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE:**

69. There was probable cause for plaintiff’s arrest, detention and prosecution.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE:**

70. Defendant City has not violated any rights, privileges, or immunities under the Constitution or laws of the United States or the State of New York or any political subdivision thereof, nor have defendants violated any acts of Congress providing for the protection of civil rights.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE:**

71. To the extent that the Complaint asserts state law claims, plaintiff may have failed to comply with New York General Municipal Law §§ 50(e), *et seq.*

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE:**

72. At all times relevant to the acts alleged in the Complaint, the duties and functions of the municipal defendant's officials entailed the reasonable exercise of proper and lawful discretion. Therefore, defendant City is entitled to governmental immunity from liability.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE:**

73. Plaintiff may not have met the conditions precedent to this suit.

**WHEREFORE**, defendant City requests judgment dismissing the Complaint in its entirety, together with the costs and disbursements of this action, and such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
September 9, 2015

ZACHARY W. CARTER  
Corporation Counsel of the  
City of New York  
*Attorney for Defendant City*  
100 Church Street  
New York, New York 10007  
(212) 356-2381

By:

/s/

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OMAR J. SIDDIQI  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Robert Marinelli, Esq. (By ECF)  
*Attorney for Plaintiff*  
305 Broadway, 9<sup>th</sup> Floor  
New York, New York 10007



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**ANSWER TO THE COMPLAINT BY DEFENDANT CITY OF NEW YORK**

**ZACHARY W. CARTER**

Corporation Counsel of the City of New York  
*Attorney for Defendants*  
100 Church Street  
New York, New York 10007

Of Counsel: Omar J. Siddiqi  
Tel: (212) 356-2381

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 201.....*

*..... Esq.*

*Attorney for.....*